

Brown v. Hamot Medical Center

Donald Inderlied

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LISA BROWN, M.D.,
Plaintiff

v.

Civil Action No. 05-32E

HAMOT MEDICAL CENTER,
Defendant

Deposition of DONALD INDERLIED, taken before
and by Carol A. Holdnack, RPR, Notary Public in and
for the Commonwealth of Pennsylvania, on Thursday
September 1, 2005, commencing at 9:49 a.m., at the
offices of Scarpitti & Mead, Renaissance Center,
1001 State Street, Suite 800, Erie, PA 16501.

For the Plaintiff:

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Reported by Carol A. Holdnack, RPR
Ferguson & Holdnack Reporting, Inc.

EXHIBIT

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<p style="text-align: right;">Page 78</p> <p>1 Q. Do you remember, can you explain what that note</p> <p>2 means?</p> <p>3 A. Dr. Cortina may have asked for specifics, specific</p> <p>4 facts when she was deficient in her responsibilities.</p> <p>5 Q. Do you remember if he got a response?</p> <p>6 A. I don't, specifically.</p> <p>7 Q. And if you look on the left margin of this page,</p> <p>8 there's also what looks like a note. It says, "Lubahn"</p> <p>9 something.</p> <p>10 A. "Lubahn partner".</p> <p>11 Q. Okay. And --</p> <p>12 A. Reference to Dr. Cermak.</p> <p>13 Q. Right. Was there a significance in your mind that</p> <p>14 she was a Lubahn partner?</p> <p>15 A. No, sir.</p> <p>16 Q. You don't think maybe that you may have made the</p> <p>17 note because she has an association with Dr. Lubahn,</p> <p>18 professional association?</p> <p>19 A. Very well could be.</p> <p>20 Q. Go to Page 964. And there is a passage that looks</p> <p>21 like from Dr. Stefanovski. Do you see that?</p> <p>22 A. Um-hum.</p> <p>23 Q. And kind of read the last clause.</p> <p>24 MS. RICHARD: After the arrow, or before?</p> <p>25 Q. This is what I want to ask you about. If you want</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. This is a conclusion of the third meeting, right?</p> <p>2 A. Yes, sir.</p> <p>3 Q. It looks like it is. Is this the point when</p> <p>4 somebody said we should take a vote to keep her or not,</p> <p>5 something to that effect?</p> <p>6 A. I believe that was a statement, if you see the</p> <p>7 sentence just above by Dr. Cortina.</p> <p>8 Q. I see.</p> <p>9 A. And what option would you follow. And there were</p> <p>10 two options; termination or probation.</p> <p>11 Q. I see.</p> <p>12 A. And he said termination.</p> <p>13 Q. He said that.</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right. And the last note you have, looks like</p> <p>16 there's an arrow that says, "Uphold Dr. Lubahn," and it's</p> <p>17 underlined. Do you see that?</p> <p>18 A. Um-hum.</p> <p>19 Q. How did this meeting conclude?</p> <p>20 A. It concluded with the committee voting to uphold</p> <p>21 Dr. Lubahn's decision.</p> <p>22 Q. Do you know how the vote was taken? I mean,</p> <p>23 physically. Sheets of paper? Did they raise their hand?</p> <p>24 A. I don't believe it was on sheets of paper. Again,</p> <p>25 I was not physically there. So I do not believe it was on</p>
<p style="text-align: right;">Page 79</p> <p>1 to read that area. It's in that area (indicating).</p> <p>2 A. (Witness complies.) Okay.</p> <p>3 Q. You wrote down -- it looks like, "Input from</p> <p>4 residents important." Do you see that at the end of that?</p> <p>5 A. Yes, sir.</p> <p>6 Q. That's something that Dr. Stefanovski said?</p> <p>7 A. I believe so.</p> <p>8 Q. Do you believe that was reflected in the</p> <p>9 committee's discussions? That they were, in fact, valuing</p> <p>10 the input from the residents?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And there's a page missing after this one. All</p> <p>13 right. So Dr. Seeds also testified at this meeting; is that</p> <p>14 right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And he was a resident at the time as well, right?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And then kind of a third of the way down the</p> <p>19 page --</p> <p>20 MS. RICHARD: Which page are we on?</p> <p>21 MR. SOREK: 966.</p> <p>22 MS. RICHARD: Okay.</p> <p>23 Q. You've got an asterisk circled. You have No. 1</p> <p>24 terminated; No. 2, probation. Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 81</p> <p>1 sheets of paper. It was discussion of the group and how</p> <p>2 they voted.</p> <p>3 Q. Do you know whether at any time -- do you know</p> <p>4 whether the committee was looking at any documents during</p> <p>5 its meetings?</p> <p>6 A. Which meeting are we talking about now?</p> <p>7 Q. Any of the three meetings.</p> <p>8 A. To the best of my knowledge, they were not in the</p> <p>9 first meeting. And I was not present in the other two, so I</p> <p>10 don't know.</p> <p>11 Q. Fair enough. You don't remember them talking</p> <p>12 about documents, such as --</p> <p>13 A. No, sir.</p> <p>14 Q. All right.</p> <p>15 A. No, sir.</p> <p>16 Q. Do you know whether the committee generated any</p> <p>17 documents as a result of its meetings?</p> <p>18 A. To the best of my knowledge, only the letters that</p> <p>19 I've seen that went to Dr. Brown.</p> <p>20 Q. Okay. Do you know whether the committee looked at</p> <p>21 the paper evaluations of Dr. Brown?</p> <p>22 A. I do not specifically know that they did that.</p> <p>23 In, I think, one of the earlier memos that we looked at, it</p> <p>24 indicated that they could review her file. And a number of</p> <p>25 them indicated that they had done so.</p>

21 (Pages 78 to 81)

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<p style="text-align: right;">Page 86</p> <p>1 Q. So this letter, the date on this letter can't be</p> <p>2 correct.</p> <p>3 A. No, sir. It's my understanding that that is</p> <p>4 incorrect. It was done on the 8th. It's a typographical</p> <p>5 error.</p> <p>6 Q. So this letter was sent out the same day the</p> <p>7 committee took the vote, as far as you know.</p> <p>8 A. As far as I know, yes, sir.</p> <p>9 Q. All right. So there wasn't -- you had no</p> <p>10 involvement in the grievance process between the committee's</p> <p>11 vote and the issuance of this letter?</p> <p>12 A. No, sir, I did not.</p> <p>13 Q. Did you have any involvement in the review of</p> <p>14 Dr. Brown's termination after that?</p> <p>15 A. After that letter?</p> <p>16 Q. Yes.</p> <p>17 A. No, sir.</p> <p>18 Q. I'm going to ask you to take a look at Bates</p> <p>19 No. 233 and 234. And that's the first document after your</p> <p>20 notes.</p> <p>21 (Interruption in the proceedings.)</p> <p>22 Q. All right. Mr. Inderlied, this document is a</p> <p>23 letter from Dr. Pepicello to me, so I'm going to assume you</p> <p>24 haven't seen it before. Is that fair?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 88</p> <p>1 to uphold the decision, correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Did you have any -- any role in producing this</p> <p>4 letter for --</p> <p>5 A. No, sir.</p> <p>6 MS. RICHARD: Wait for him to finish the question.</p> <p>7 A. I'm sorry.</p> <p>8 Q. All right. I'm going to ask you to take a look at</p> <p>9 Bates No. 1064.</p> <p>10 A. All right, sir.</p> <p>11 Q. What is this document?</p> <p>12 A. (No response.)</p> <p>13 Q. It's notes, right?</p> <p>14 A. Yes.</p> <p>15 Q. Are they your notes?</p> <p>16 A. My handwriting.</p> <p>17 Q. All right. And it's just a couple entries. There</p> <p>18 is a date, May 17th, '04, Medical Education Committee.</p> <p>19 Review of Dr. Brown's situation. Dr. Albert presented the</p> <p>20 case, and Grievance Committee unanimous approval. That's</p> <p>21 basically what it contains, right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Were you present at that meeting?</p> <p>24 A. I made those notes, so I -- but I honestly don't</p> <p>25 remember being present, unless the Medical Education</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. You have not seen this document before, correct?</p> <p>2 A. No, sir.</p> <p>3 Q. One thing I want to ask you about is the second</p> <p>4 sentence of the second paragraph. It says, "The committee</p> <p>5 considered the recommendations of Dr. Lubahn, the fact that</p> <p>6 Dr. Brown had been on probation at least twice during her</p> <p>7 residency program, and that she was not performing at the</p> <p>8 level of the third year resident." Do you see that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you know anything about Dr. Brown's</p> <p>11 probationary status?</p> <p>12 A. No, sir.</p> <p>13 MR. SOREK: That's it, then, for that.</p> <p>14 (Recess held from 12:30 p.m. to 1:54 p.m.)</p> <p>15 Q. Mr. Inderlied, we've had a lunch break, and we're</p> <p>16 back. And I want to ask you some more questions about some</p> <p>17 documents that we've received from the hospital.</p> <p>18 A. All right.</p> <p>19 Q. Take a look at Bates No. 239.</p> <p>20 A. (Witness complies.) Okay.</p> <p>21 Q. That's a May 27th letter from Dr. Pepicello to</p> <p>22 Dr. Brown, correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And it advises her about the decisions of the</p> <p>25 hospital committees that reviewed her termination decision</p>	<p style="text-align: right;">Page 89</p> <p>1 Committee met before another committee.</p> <p>2 Q. Can you illuminate -- let's see. What's the</p> <p>3 relationship between the Medical Education Committee and the</p> <p>4 Medical Staff Executive Committee?</p> <p>5 A. I don't know.</p> <p>6 Q. What is the medical -- what does the Medical</p> <p>7 Education Committee do?</p> <p>8 A. I don't know specifically.</p> <p>9 Q. What does the Medical Staff Executive Committee</p> <p>10 do?</p> <p>11 A. I believe their role is to act on behalf of the</p> <p>12 medical staff. And they are the -- they are -- the Medical</p> <p>13 Staff Executive Committee is the officers -- I'm not sure</p> <p>14 who all is on that committee -- that are representatives of</p> <p>15 the medical staff.</p> <p>16 Q. And I take it they would have a role in hiring,</p> <p>17 firing, promotion. Do they?</p> <p>18 A. No, sir.</p> <p>19 Q. They don't. They did have a review function in</p> <p>20 Dr. Brown's case, though.</p> <p>21 A. I believe they have a review function, yes.</p> <p>22 Q. And do you know where that function comes from?</p> <p>23 That is, where do they get the authority to say, well, we're</p> <p>24 not involved in the firing decision, but we'll review the</p> <p>25 firing decision.</p>

23 (Pages 86 to 89)